

# **GRADATIONS OF RESPONSIBILITY FOR CHILD SEXUAL ABUSE IN INSTITUTIONS**

1. A manager in the organisation knew that a child had been abused and failed to take the appropriate steps to protect that child or other children from the perpetrator thereafter.
2. A manager in the organisation shut his or her eyes to the obvious that sexual abuse was occurring and so failed to take the appropriate steps to protect that child or other children from the perpetrator thereafter.
3. A manager in the organisation declined to believe a child's report of abuse and failed to facilitate an independent investigation of the matter by making an appropriate report to the police or child protection services.
4. A manager in the organisation decided not to take the action that a reasonable person would have taken in circumstances where there were reasonable grounds to suspect that a child had been sexually abused or was at risk of abuse.
5. A manager in the organisation negligently failed to take the action that a reasonable person would have taken in circumstances where there were reasonable grounds to suspect that a child had been sexually abused or was at risk of abuse.
6. A manager in the organisation knew of circumstances which would lead a reasonable person to ask further questions to ascertain whether a child was at risk of sexual abuse, and decided not to ask those further questions.
7. A manager in the organisation knew of circumstances which would lead a reasonable person to ask further questions to ascertain whether a child was at risk of sexual abuse, and negligently failed to ask those further questions.
8. Another employee in, or representative of, the organisation, not involved as a perpetrator of the abuse, had the requisite knowledge or reason to suspect identified in categories 1-7 above and intentionally did not act on that knowledge or make the matter known to a manager.
9. Another employee in, or representative of, the organisation, not involved as a perpetrator of the abuse, had the requisite knowledge or reason to suspect identified in categories 1-7 above and negligently failed to act on that knowledge or make the matter known to a manager.
10. An organisation, by its culture, practices and modes of operation, created the circumstances in which children were at greater risk of abuse than they would otherwise have been in a more healthy and risk-minimising organisation.

11. An organisation established an activity involving children which it had a responsibility to ensure was a safe environment, and failed to take reasonable steps, judged by the standards of the time, to reduce the risk of child sexual abuse in that activity.

12. An organisation ran an essential service (e.g. an orphanage) to provide for children who were in need of that service, and for whom a government would otherwise have had to provide, and failed to take reasonable steps judged by the standards of the time, to reduce the risk of child sexual abuse in that service.

13. An organisation ran an activity or service, and took reasonable steps, judged by the standards of the time, to reduce the risk of child sexual abuse in that activity or service.

14. An organisation ran an activity or service, and failed to take reasonable steps, judged by current standards, to reduce the risk of child sexual abuse in that activity or service, although the steps were adequate by the standards of the time.

15. An organisation ran an activity or service, and took reasonable steps, judged by current standards, to reduce the risk of child sexual abuse in that activity or service.

16. The sexual abuse was perpetrated by an employee or representative of the organisation, who may have gained access to the child he abused in part because of that role, but not in the context of any activity or service run by the organisation.

17. The sexual abuse was perpetrated by a person who was a volunteer with the organisation, and who may have gained access to the abused child in part because of that role, but the abuse did not occur in the context of any activity or service run by the organisation.

18. The sexual abuse occurred on the premises of the organisation, but not in the context of any activity or service run by the organisation.

**Prof. Patrick Parkinson, University of Sydney**

**March 26th, 2015**